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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 RAMON MURILLO,

12 Plaintiff,

13 vs.

14 P. FLOURNOY; T GOFF; VILLAROMAN;
15 DENNIS MORRIS; CHARLES MARSH; D/
PARAMO; DOES 1-5;,

16 Defendants.

CASE NO. 11cv1687-BEN(BGS)

**ORDER DENYING
PLAINTIFF'S MOTION TO
APPOINT COUNSEL**

[Doc. No. 19]

17
18 On March 16, 2012, Plaintiff Ramon Murillo, a prisoner proceeding *pro se* and *In*
19 *Forma Pauperis* ("IFP") in this civil rights action, filed a motion to appoint counsel. (Doc. No.
20 19.)

21 Plaintiff requests appointment of counsel for the following reasons: (1) he is proceeding
22 IFP; (2) he is confined to administrative segregation, therefore, his access to the law library
23 is limited; (3) he is a mental health patient; (4) he is not equipped to conduct discovery; (5) he
24 is not sufficiently trained in legal matters; (6) the case involves Department of Corrections and
25 Rehabilitation employees; and (7) the case is complex. (Doc. No. 19.)

26 "There is no constitutional right to appointed counsel in a § 1983 action." *Rand v.*
27 *Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (*citing Storseth v. Spellman*, 654 F.2d 1349,
28 1353 (9th Cir. 1981)); *see also Hedges v. Resolution Trust Corp. (In re Hedges)*, 32 F.3d 1360,

1 1363 (9th Cir. 1994) (“[T]here is no absolute right to counsel in civil proceedings.”) (citation
 2 omitted). Thus, federal courts do not have the authority “to make coercive appointments of
 3 counsel.” *Mallard v. United States District Court*, 490 U.S. 296, 310 (1989); *see also United*
 4 *States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995).

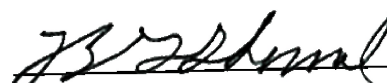
5 Districts courts have discretion, however, pursuant to 28 U.S.C. § 1915(e)(1), to
 6 “request” that an attorney represent indigent civil litigants upon a showing of “exceptional
 7 circumstances.” *See Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir.
 8 2004); *Rand*, 113 F.3d at 1525. “A finding of the exceptional circumstances of the plaintiff
 9 seeking assistance requires at least an evaluation of the likelihood of the plaintiff’s success on
 10 the merits and an evaluation of the plaintiff’s ability to articulate his claims ‘in light of the
 11 complexity of the legal issues involved.’” *Agyeman*, 390 F.3d at 1103 (*quoting Wilborn v.*
 12 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)); *see also Terrell v. Brewer*, 935 F.2d 1015,
 13 1017 (9th Cir. 1991).

14 The Court denies Plaintiff’s request without prejudice, as neither the interests of justice
 15 nor exceptional circumstances warrant appointment of counsel at this time. *LaMere v. Risley*,
 16 827 F.2d 622, 626 (9th Cir. 1987); *Terrell*, 935 F.2d at 1017. Plaintiff has thus far been able
 17 to articulate his claims, as the Court found that Plaintiff’s complaint contains allegations
 18 sufficient to survive the sua sponte screening required by 28 U.S.C. §§1915(e)(2) and
 19 1915A(b). (*See* Doc. No. 8 at 3.)

20 Furthermore, it does not appear that the legal issues involved are so complex that
 21 counsel is warranted at this stage of the proceedings. *See Wilborn v. Escalderon*, 789 F.3d
 22 1328, 1331 (9th Cir. 1986) (noting that, “If all that was required to establish successfully the
 23 complexity of the relevant issues was a demonstration of the need for development of further
 24 facts, practically all cases would involve complex legal issues.”).

25 **IT IS SO ORDERED.**

26 DATED: April 3, 2012

27 
 28 Hon. Bernard G. Skomal
 U.S. Magistrate Judge
 United States District Court